

Exhibit A

Hill, Brian

From: Yalowitz, Kent A. <Kent.Yalowitz@APORTER.COM>
Sent: Thursday, June 12, 2014 4:10 PM
To: Hill, Brian
Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard
Subject: RE: Sokolow v. PA/PLO

Brian,

Thank you for setting out defendants' position. We disagree with it. Neither Rule 56.1 nor Rule 56(c) permits anything like the massive paragraph-by-paragraph "Reply" document defendants are apparently preparing. Rule 56.1 calls only for an opening statement of uncontested facts by the moving party and a response by the opposing party. It does not call for a reply. Rule 56(c) permits defendants to argue anything they want, but in their brief.

Given the purpose for which defendants are seeking the enlargement, we cannot agree to the request. If defendants choose to seek relief from the Court, please state plaintiffs' position as follows:

"Plaintiffs have advised defendants that they would agree to defendants' request for an enlargement, if not for the fact that defendants are seeking the enlargement in part to prepare a paragraph-by-paragraph "reply" to Plaintiffs' Rule 56.1 Statement. While the Court has wide discretion to interpret the local rules and grant leave to file such a "reply," see *LoSacco v. City of Middletown*, 71 F.3d 88, 92 (2d Cir.1995), plaintiffs do not believe it would be prudent for the Court to grant defendants leave to file such a burdensome document."

Best,

Kent

From: bhill@milchev.com
Sent: Tuesday, June 10, 2014 6:16 PM
To: Yalowitz, Kent A.
Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard
Subject: RE: Sokolow v. PA/PLO

Kent:

Thank you for your email below.

The first two paragraphs of your conditions are acceptable, but the third is not for the following reasons:

Defendants are entitled to Respond to Plaintiffs' 205-page Rule 56.1 Statement. Federal Rule of Civil Procedure 56(c)(1)(B) allows Defendants to "show[] . . . that an adverse party cannot produce evidence to support the fact[s]" asserted by Plaintiffs in their Rule 56.1 Statement, and similarly Rule

56(c)(2) allows Defendants to "object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence." Moreover, our response technically is not a "reply" given how Plaintiffs chose to proceed with the Rule 56.1 Statements. In any event, the Southern District of New York allows Rule 56.1 replies. See, e.g., *Kaufman v. Guest Capital, L.L.C.*, 386 F. Supp. 2d 256, 258 n.1 (S.D.N.Y. 2005) (noting that the facts on defendants motion for summary judgment were drawn from "defendants' Rule 56.1 Reply Statement" among other filings); *Zakre v. Norddeutsche Landesbank Girozentrale*, 396 F. Supp. 2d 483, 485 (S.D.N.Y. 2005) (same).

Please let me know if we have your consent to extend the deadlines as requested in my emails below and as the first two paragraphs of your email below.

Regards,

Brian A. Hill
Miller & Chevalier Chartered
655 Fifteenth Street, N.W. Suite 900
Washington, DC 20005-5701
Business: (202) 626-6014
Facsimile: (202) 626-5801

From: Yalowitz, Kent A. [mailto:Kent.Yalowitz@APORTER.COM]

Sent: Tuesday, June 10, 2014 9:17 AM

To: Hill, Brian

Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard

Subject: RE: Sokolow v. PA/PLO

Brian,

Plaintiffs are prepared to consent to an enlargement through and including June 30, 2014 for defendants to file: (1) a 20-page reply memorandum in support of defendants' motion for summary judgment, (2) a 36-page reply memorandum in support of motion in limine, and (3) a response to my letter dated June 6, 2014, but only on the conditions that:

- (1) Defendants consent to a one-week enlargement of plaintiffs' time to file: (a) a reply memorandum in support of plaintiffs' motion for summary judgment (i.e., June 30); (b) a reply memorandum in support of plaintiffs' motion in limine (i.e., June 30); and (c) a reply memorandum and any necessary supporting affidavits in support of plaintiffs' motion for sanctions (i.e. June 27);
- (2) These enlargements do not alter any other dates in the schedule; and
- (3) Defendants do not file additional materials in connection with their summary judgment motion, such as a paragraph-by-paragraph "reply" to Plaintiffs Rule 56.1 Statement.

As noted above, plaintiffs have no objection to the page-limit enlargement defendants plan to seek.

Please let us know if this is agreeable to defendants. If so, please send us a draft letter to the Court.

Best,

Kent

Kent A. Yalowitz
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From: bhill@milchev.com

Sent: Monday, June 09, 2014 2:42 PM

To: Yalowitz, Kent A.

Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard

Subject: RE: Sokolow v. PA/PLO

Kent,

Here are the answers to your questions:

1. We need additional time due to the length of your responses, the volume of your exhibits, and the fact that the lawyers working on this matter have other obligations beyond this case.
2. In addition to responding to your filings about the summary judgment and in limine motions, we also plan to respond to your letter about amending your exhibit list.
3. I don't anticipate seeking other scheduling relief.
4. We presently plan to file reply briefs that are proportionate in length to the opening briefs, *i.e.* up to 20 pages for the motion for summary judgment and 36 pages for the motion in limine.

Please let me know if we have your consent to extend the deadline to June 30, and if you wish to have a similar extension for your filings.

Regards,

Brian A. Hill
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655 Fifteenth Street, N.W. Suite 900
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From: Yalowitz, Kent A. [<mailto:Kent.Yalowitz@APORTER.COM>]

Sent: Monday, June 09, 2014 1:24 PM

To: Hill, Brian

Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard

Subject: RE: Sokolow v. PA/PLO

Brian,

We have a few questions about your request.

1. Why do defendants need additional time?
2. In "replying" to plaintiffs' filings, will defendants be filing anything other than reply memoranda (and supporting documents) responsive to (1) plaintiffs' memorandum in opposition to defendants' motion for summary judgment and (2) plaintiffs' memorandum in opposition to defendants' motion in limine?
 - If so, what other papers do defendants plan to seek leave to file, and what is the basis for such a request?
3. Do defendants plan to seek any other scheduling relief?
 - If so, what other scheduling relief do defendants plan to seek?
4. Do defendants believe they need more than 10 pages each for the two reply briefs due on June 23?
 - If so, what enlargement do defendants plan to seek, and what is the basis for the request?

Best,

Kent

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Telephone: +1 212.715.1113
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From: bhill@milchev.com

Sent: Monday, June 09, 2014 11:53 AM

To: Yalowitz, Kent A.

Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard

Subject: RE: Sokolow v. PA/PLO

Kent,

I have now received the FedEx containing the DVDs with your exhibits.

Please let me know if you are willing to consent to our request for a one week extension.

Regards,

Brian A. Hill
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From: Hill, Brian
Sent: Monday, June 09, 2014 10:41 AM
To: Yalowitz, Kent A.
Cc: Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin; Machnes, Tal; Ferguson, Laura; Rochon, Mark; Hibey, Richard
Subject: RE: Sokolow v. PA/PLO

Kent,

We intend to ask the Court for a one week extension of our deadline to reply to your filings of Friday, and would like your consent to do so. We are, of course willing to consent to a similar extension for your replies. Please let me know if you will consent to our replies to the filings below being due on June 30.

Also, we have not yet received a copy of your exhibits to your Friday filings. Please let me know when we can expect it to arrive.

Regards,

Brian A. Hill
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From: Machnes, Tal [<mailto:Tal.Machnes@aporter.com>]
Sent: Friday, June 06, 2014 3:34 PM
To: Hill, Brian; Ferguson, Laura; Rochon, Mark; Hibey, Richard
Cc: Yalowitz, Kent A.; Horton, Philip W.; Pildis, Sara K.; Hashimoto, Ken L.; McMillan, Lucy S.; Romeo, Carmela; Kientzle, Michael; Mordechai Haller; 'Rachel Weiser'; Robert Tolchin
Subject: Sokolow v. PA/PLO

Counsel,

Attached are copies of the following documents, all of which are being hand delivered to Judge Daniels's chambers this afternoon: (1) Cover Letter to Judge Daniels; (2) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment; (3) Plaintiffs' Response to Defendants' Rule 56.1 Statement; (4) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion in Limine; (5) Declaration of Kent A. Yalowitz in Opposition to Defendants' Motion for Summary Judgment and to Defendants' Motion in Limine; (6) Exhibit A to Declaration of Kent A. Yalowitz; (7) Memorandum of Law in Support of Plaintiffs' Motion for Discovery Sanctions; (8) Letter from Kent A. Yalowitz to Judge Daniels regarding Plaintiffs' Second Amended & Supplemental Exhibits List; and (9) Plaintiffs' Second Amended & Supplemental Exhibit List. In accordance with Judge Daniels' ruling on April 11, 2014, we will be filing these documents, with any necessary redactions, on ECF.

DVDs containing the referenced exhibits are being sent to Brian's attention via overnight FedEx.

Regards,
Tal

Tal Machnes

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